IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peter Stouffer, et al.

Serial No.: 09/907,744

Filed: July 19, 2001

: Group Art Unit: 3661

Examiner: Not yet assigned

Title: PROGRAMMABLE ELECTRONIC DEVICE

PETITION AND FEE TO SUSPEND RULES UNDER 37 C.F.R. § 1.183

Assistant Commissioner for Patents Box DAC Washington D.C. 20231

Sir:

This petition is to request the suspension of rules pursuant to 37 C.F.R. §1.183.

- 1. Simultaneously herewith Applicant filed an Amendment, Petition and Fee to Delete an Erroneously Named Inventor under 37 C.F.R. §148(a) whereby Applicant petitioned that the Application be corrected by deleting Mark LaPointe as a named Inventor.
- 2. Applicant has received electronic correspondence from the erroneously named Inventor setting forth the facts and establishing that he is not and should not be considered an Inventor in the above referenced Application. A copy of the electronic correspondence is attached hereto and made a part hereof.
- 3. After receiving the electronic correspondence, a diligent attempt had been made to have Mr. LaPointe execute a statement that sets forth that he is not and should not be a named Inventor and that such error was made without deceptive intent on his part or on the part of the other named Inventors. Such a statement was sent to Mr. LaPointe to his electronic e-mail address on February 27, 2002. In addition, we attempted to contact Mr. LaPointe by telephone on February 27 and February 28, 2002, however, as of the date of the filing of this Petition, Applicant has not received the executed statement from Mr. LaPointe.
- 4. Applicant hereby Petitions that the Amendment, Petition and Fee to Delete an Erroneously Named Inventor under 37 C.F.R. §148(a) be accepted for filing without the required statement executed by the erroneously named Inventor.

Docket No. 111483.1060

PATENT

Should you have any questions or require any additional information, I encourage you to contact me at the address and/or phone number listed below.

Respectfully submitted,

PEPPER HAMILTON LLP

James M. Singer

Registration No. 45,111

Date: February 28, 2002 Pepper Hamilton LLP One Meilion Center 500 Grant Street, 50th Floor Pitisburgh, PA 15219 Tel., (412) 454-5023 Facsimile: (412) 281-0717

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----Original Message----

From: MARK LAPOINTE [mailto:yesmarklapointe@hotmail.com]

Sent: Monday, February 25, 2002 9:22 PM

To: SINGERJ@pepperlaw.com
Cc: yesmarklapointe@hotmail.com
Subject: Re: Code Alarm Documents

Dear Mr. Singer:

After much consideration of what we discussed in multiple phone conversations and by e-mail, I have this to state:

I consider that I am not an inventor of the device described in this Code Alarm patent application.

Here is my reasoning:

Though I was present on the design team from the start of the project, I consider that what I worked on evolved, that is, became something other than what it was. This may not be true in respect to the contributions of any of the other engineers involved, but I consider it to be true for my contribution.

I was involved in discussions, design meetings and specification reviews, and intimately involved in the board level lay out of the first two prototypes. But I left early on, perhaps 1/4 to 1/3 of the way to completion of the product. The specifications were still in flux by the time I left, features were still being added and deleted, and all of my layout work was redone by others.

My particular contributions, while important at the time for the developing product, were reviewed, revised, and replaced. Thus, I do not consider it fair for me to claim to be an inventor, nor to take Code Alarm's money to settle such a claim.

If in the future there is a legal dispute by some other party and my testimony, written or otherwise, would be advantageous, then we can discuss compensation for my time, effort, travel, etc.

I hope this statement is enough for your needs. If I'm going to invest any more time right now to settle the matter, I will be looking for compensation.

Thank you. Mark LaPointe